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## Current Notes

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## CURRENT NOTES

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NEWMAN F. BAKER [Ed.]

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Northwestern University Law School  
Chicago, Illinois

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### **Northwestern Criminal Clinic —**

Three legal clinics are conducted by the Northwestern University Law School under the James Nelson and Anna Raymond Foundation. The Civil Clinic was established in 1905 and the Industrial Clinic and Criminal Clinic were established in 1926. The Criminal Clinic is conducted by Assistant Professor De Witt Wright, B. S., 1923, and J. D., 1926, of Northwestern University. The Criminal Clinic operates in connection with the Criminal Branch of the Legal Aid Bureau. One office is in the Criminal Courts Building at 26th Street and California Avenue, Chicago, and one at the Northwestern University Law School.

In addition to giving lectures to the members of the Clinic on practice in the Criminal Court the instructor is present at the Law School office each afternoon to discuss with the students any problems which develop in the clinic work.

Usually about one-third of the students in this Clinic have been admitted to the Bar. These are allowed to handle cases which their experience and ability warrant. Assignments to other students follow the general plan as outlined for the other clinics.

The work of this Clinic includes proceedings in the criminal practice such as effecting the release of a prisoner who, through a clerical

error, is held at a penal institution longer than the law requires; presenting reports of investigations to Judges to aid them in determining the proper disposition in cases in which the defendants are guilty; and, of course, in the greater number of cases, presenting such defenses as the clients have.

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**Detroit Study**—The Detroit Bureau of Governmental Research has reissued its study, made at the request of the Commissioners of the House of Correction, entitled "The Detroit House of Correction—Organization of a Welfare Department." Dr. Stuart Queen of the Community Union took an important part in the study and the data was furnished by Capt. Edward Denniston, Assistant Superintendent, Women's Division, Mrs. K. H. Campbell, Welfare Assistant Women's Division and other officers of the Institution. The activities of the Welfare Department and its personnel are described and recommendations are made. Those interested in the study of prison administration will find this work of considerable value. It should be added that the House of Correction is a prison farm located 25 miles from Detroit, consisting of a modern plant of cell and dormitory type with the women's side serving as the only prison in the State receiv-

ing women. Nearly all of the women prisoners are felons.

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**Hulbert Lectures**—The National Safety Council has published in pamphlet form a series of lectures, given to the Psychology Class of the Twentieth Annual Safety Congress, by Dr. Harold S. Hulbert of Chicago, Associate Editor of the *JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY*. Dr. Hulbert's Topics were: (1) Normal Thinking—Its Surprising Vagaries Until the Mind Is Disciplined, (2) Personal Application of Some Mental Hygiene Rules, (3) The Use and Misuse of Those Innate Tendencies with Which All Men Are Endowed, and (4) Evolution of Personality.

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**New York Juvenile Court Report**—Juvenile delinquents under the age of 16 are decreasing in number in this city, according to figures made public by Presiding Justice Franklin G. Hoyt of the Children's Court of New York City. It also was shown by the report that despite the depression and consequent suffering, only a few more cases of neglect of children had been reported than in more prosperous years.

There were 12,094 cases of children brought before the Children's Court in 1931. This is a decrease of 624 from 1930, when 12,718 children were dealt with. During the past year the arraignments for juvenile delinquency declined 745, while the number of children brought before the court for neglect increased 119. There was a slight falling off in the arraignments for material witnesses while in 1931 a few more mentally defective cases were reported to the court in 1930.

Justice Hoyt declares that the figures show that there are not as many delinquents today in proportion to the population as there were in the past.

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**National Psychoanalytic Foundation**—The Mental Hygiene Bulletin which is published by the National Committee for Mental Hygiene announces the establishment of the American Psychoanalytic Foundation for the purpose of fostering psychoanalytic education and science in America. The foundation is incorporated under the laws of the State of New York and succeeds the Educational Trust Fund formed by the New York Psychoanalytic Society several years ago. The Board of Directors of the American Psychoanalytic Foundation are: Dr. A. A. Brill, *Chairman*; Leo S. Bing, Sam A. Lewisohn, Dr. Smith Ely Jelliffe, and Dr. C. P. Oberndorf, *Secretary*.

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**New York Bar Association**—At the fifty-fifth annual meeting of the New York State Bar Association the President of the Association, Frank H. Hiscock, formerly presiding judge of the Court of Appeals, asserted that criticism of the law's delays was greatly exaggerated. An opposite view was taken by Hon. William D. Guthrie, a past president of the Association. Mr. Guthrie attributed much of the delays of justice to the dilatory motions of lawyers and prosecutors. He said, "Nothing has done more to bring the administration of justice into disrepute than the practice of dilatory motions and manipulations and the adjournment of cases term after term and year after year on excuses that are sometimes not entirely reasonable or well founded."

**Scientific Crime Detection Laboratory Activities**—Commencing Monday, May 2, 1932, the Scientific Crime Detection Laboratory of Northwestern University will institute its first course in Police Training, at its quarters at 469 East Ohio Street, Chicago (corner of Lake Shore Drive). Instruction will be given daily, except Sunday, over a period of four weeks, ending Saturday, May 28. A staff of experts, all possessing especial qualifications in their several fields, has been assembled to give the series of lecture courses. This staff includes members of the faculties of Northwestern University and the University of Chicago, of the Police Departments of Chicago and vicinity, of various Governmental Agencies such as the Department of Justice and Treasury Department, and representatives of various bureaus of the State of Illinois, etc. This school in Police Training is planned to follow another course in scientific methods of crime detection to be conducted by the Laboratory from April 4 to April 30. This course will be similar to the one given by the Laboratory in the Spring of 1931.

Dean Irving S. Cutter of the Northwestern University Medical School has been added to the Board of Directors.

The Chicago Academy of Criminology met at the Laboratory for its December meeting and the members of the Academy were addressed by staff members on their special subjects after which there was a tour of the Laboratory.

A list of Laboratory Activities was prepared recently in the February Bulletin. It reads as follows:

1. *Automobile Tire Prints*: Identification of by photography, the making of casts, etc.

2. *Blood*: Identification of stains made by, and further classification as to whether stain is from blood of human being or other animal.

3. *Bombs*: Identification of explosive employed, through study of fragments, etc.

4. *Bones*: Determination as to whether these are from human beings or other animals. Also (in some cases) age, height, and sex of person from whom they came.

5. *Bullets*: Identification of caliber, type, kind of powder by which fired, and type of weapon used. Also, in case of a suspected weapon, whether or not this actually fired the bullets in evidence.

6. *Casts*: Of tool marks, teeth marks, or of entire objects reproductions of which might have value as evidence. Casts may be made of wounds of any part of the body and preserved to indicate the nature and extent of such wounds, also of the entire heads of unknown dead persons, and held for purposes of identification, etc.

7. *Codes*: Letters or messages in code can be deciphered by those familiar with code systems, (as is a number of the associate staff.)

8. *Deception*: Use of the "lie detector."

9. *Dust*: Analyses of dust from the clothing, from pockets of an automobile, or other sources, may yield valuable information concerning the habits of the person wearing the clothing, using the automobile, etc.

10. *Explosions*: Examination of premises following explosions may yield evidence which will reveal the cause behind these.

11. *Feces*: Examination of bowel movements of prisoners (feces) will reveal nature of food recently consumed and may be used to upset alibi statements.

12. *Fingernail Scrapings*: When these are made from the nails of the victim of an attack or those of a suspect, they may show the presence of blood, hair, clothing fibres, or other material which will help solve the crime.

13. *Firearms*: Examination of these will show whether they have been recently fired and if so, with what kind of powder.

14. *Fires*: Study of premises may reveal evidence indicating the causes at work.

15. *Food*: Examination of articles of food may reveal presence of poisons, harmful bacteria, etc.

16. *Gastric (Stomach) Contents*: Examination of these may, as in the case of feces, help upset a suspect's alibi.

17. *Hair*: Strands of hair from clothing, automobile fenders, etc., may be identified as similar to those from the heads of victims or suspects in crimes of various types.

18. *Handwriting*: Specimens of handwriting may be identified as to the hand that wrote them, erasures and alterations revealed, etc.

19. *Inks*: Study of the kind of ink used in a document may substantiate its authenticity or prove it a forgery.

20. *Invisible Writing*: Secret inks may be employed to write messages invisible to the naked eye between the lines of communications innocent in appearance. Such messages can be brought out by proper treatment.

21. *Jewels*: Identification of jewels can be made by employing scientific methods involving chemical tests, microscopic examinations, the use of ultra-violet rays, etc.

22. *Metals*: Serial numbers stamped in metal, as in firearms,

automobiles, etc., and subsequently erased, can be brought back by proper treatment.

23. *Money*: Counterfeits of both metallic and paper money can be identified by simple laboratory methods.

24. *Paper*: Knowledge of paper making and the history of paper often makes it possible to pronounce a certain document genuine or forged.

25. *Parasites*: Parasites found on the clothing of a body may be identified as of the same type as others present on the premises where a murder was committed, and so forth.

26. *Paternity (Fatherhood)*: In a certain percentage of cases it is possible to establish paternity by blood-grouping tests made upon parents and child.

27. *Poisoning*: Chemical analyses of stomach contents, organs, etc., will reveal presence of poisons.

28. *Postage Stamps*: These are frequently forged, but forgeries can be detected by proper methods.

29. *Postmarks*: These may be forged in connection with fake alibis. They can be detected without difficulty.

30. *Powder Marks*: On skin or clothing these may serve to identify the kind of powder used and distance at which a shot was fired.

31. *Printing*: A study of this will reveal its approximate date as the varieties of type used are constantly changing. Thus the age of a printed document may be established.

32. *Seals, Embossed*: These may be forged but the forgery can be detected.

33. *Seals, Wax*: These may be forged or removed and replaced. Detection is possible in both cases.

34. *Seminal Stains*: These may readily be identified on clothing in rape cases.

35. *Shells, empty, fired*: These can be identified as to the particular arm in which they were fired, etc.

36. *Shoe Prints*: These may be photographed and casts made of them which will show every abnormality present in the soles of the shoes which caused them. Thus the suspect may be convicted by identifying certain prints as having been made by shoes worn by him.

37. *Soil*: Soil adhering to shoes, clothing, etc., will help identify the locality through which the wearer has recently passed, and thus confirm or upset an alibi.

38. *Spots and Stains*: These may be found on materials of all sorts. Analyses will usually reveal their nature, which may have an important bearing in the case.

39. *Stamps, Rubber*: These may be forged but the forgery can be identified.

40. *Teeth Marks*: These may be found in food, on human bodies, etc. Molds may be taken of them whereby the teeth of the person causing them can later be identified, as the teeth of no two persons will leave precisely the same marks in an object bitten.

41. *Textiles*: Fibres of different types of cloth can be identified under the microscope and may prove very important evidence in many kinds of cases.

42. *Tool Marks*: Marks of jimmies or other tools on doors, etc., can be molded and the casts retained for future use. These will show any defects present in the tool used and may serve to identify the actual tool involved.

43. *Typewriting*: This can be identified as to the make of ma-

chine employed and as to the particular machine of that make which was used. Alterations, erasures, etc., can be revealed.

44. *Urine*: When this contains abnormal constituents it may serve to identify a given individual.

45. *Wads (from Guns)*: These can be identified as to the factory which made them. This may be an important point in shooting cases.

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**Violet Ray Used in Court —**  
In presenting State's evidence in the Court of General Sessions, New York City, in the case of Nathan L. Raymond charged with forgery, Henry Alexander, Assistant District Attorney announced at the opening of the trial that he would introduce the ultra violet ray lamp. He declared that this lamp would uncover on one of the questioned stock certificates the legitimate signature which had been erased. The Scientific Crime Detection Laboratory has been experimenting with this machine for some time but this is the first time such a machine has been used in a criminal trial in New York.

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**Meeting of the National Committee on Prisons and Prison Labor Advisory Council**—A meeting of the Advisory Council of the National Committee on Prisons and Prison Labor was held at the home of Mr. S. A. Lewisohn, Honorary President of the Committee. Dr. E. Stagg Whitin, Chairman of the Executive Council of the Committee presided. Among those present were: Mrs. Haley Fiske, Chairman, Board of Visitors, New York State Reformatory for Women, and Chairman, Committee on the Care and

Training of Delinquent Women and Girls; Mr. A. F. Allison, Secretary, International Association of Garment Manufacturers, and Member, New York State Advisory Committee on Prison Industries; Mr. Harold E. Donnell, Superintendent of Prisons, State of Maryland; Dr. Frederic J. Farnell, Chairman, State Public Welfare Commission, State of Rhode Island; Colonel Leon C. Faulkner, Managing Director, Children's Village, New York; Dr. B. L. Scott, Director, Bureau of Restoration, Pennsylvania Department of Welfare; Miss Julia K. Jaffray, Secretary, National Committee on Prisons and Prison Labor; Miss Alma R. Bloch, Financial Secretary, National Committee on Prisons and Prison Labor. The program of work for 1932 was the chief topic discussed.

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**Chicago Crime Commission Elects Officers**—At the Annual Meeting of the Chicago Crime Commission held January 21, 1932, at the Union League Club the personnel of the Commission was elected and the following officers and directors chosen: President, Frank J. Loesch; Vice-President, Gerhardt F. Meyne; Vice-President, Edward A. Zimmerman; Vice-President, Fritz B. Ernst; Secretary, Charles R. Napier; Assistant Secretary, Charles W. Bergquist; Treasurer, Melvin A. Traylor; Assistant Treasurer, George W. Rossetter.

Mr. Loesch began his fifth year of service by reading his presidential address in which he criticized the refusal of the Circuit and Superior Courts Judges to serve as judges of the Criminal Court as provided by the Constitution of the State of Illinois. He declared that the result of the judges refusing to

do their sworn duty "is to open places in the Criminal Court for long spaces of time to some inexperienced, timid, ignorant, subservient or mountebank judges." Mr. Loesch praised the work of the Operating Director, Henry Barrett Chamberlin, who has rendered most efficient service in promoting the work of the Commission during its thirteen years of existence.

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**Criminal Anthropology**—A recent number of the Harvard Alumni Bulletin carried an article on "Calipers and Criminals" by Ernest A. Hooton, Professor of Anthropology, Harvard University, and the article has been reprinted in a number of legal periodicals. Professor Hooton discussed the measurement of the 6,000 inmates of Massachusetts penal institutions and 12,000 inmates of like institutions in Texas, Arizona, New Mexico, Colorado, Missouri, Wisconsin, Tennessee, Kentucky, and California. Professor Hooton has collected data amounting to 2,160,000 "facts." He says, "I think I can promise an entirely new body of evidence concerning the relation of the criminal to his crime, some of which may be relevant and even point the way to remedial measures." Professor Hooton was encouraged to undertake his study by Professor Sheldon Glueck of Harvard Law School and Dr. Winfred Overholser of the Massachusetts State Department of Mental Diseases.

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**American Law Institute Conference**—The Conference of the Co-operating Committees of Bar Associations with the American Law Institute was held at Northwestern University Law School January 22

and 23, 1932. One of the topics of discussion was the Proposed Act on Double Jeopardy prepared by the Reporter Professor William E. Mikell of the University of Pennsylvania Law School. The advisers to the Institute in the work of preparing its study, "Administration of the Criminal Law," are all well known scholars in the field of criminal law. They are: Robert W. Millar, Northwestern University Law School; Justin Miller, Duke University Law School; Rollin M. Perkins, State University of Iowa College of Law; Floyd E. Thompson, Chicago, Illinois; John Barker Waite, University of Michigan Law School; and Hon. Chas. C. Nott, Jr., New York, N. Y.

Speaking before the delegates at the dinner given by the Chicago Bar Association, January 22, George W. Wickersham attacked the apathy of state legislators toward the Institute's proposed improvements of criminal procedure. He said that the chief opposition to improvement was the "immense inertia to which lawyers contribute in large measure."

**Wickersham Crime Report**—The Annual Report of the Government Printer discloses that three hundred sets of the Report of the National Commission on Law Observance and Enforcement (popularly termed the Wickersham Commission) were specially printed and bound in five volumes to be sold at a cost price of \$6.75 a set. It is stated that not a single complete set of the Report has been sold. Nearly 2,000 copies were distributed as Congressional Documents and many separate reports were sold. It is thought that some of the readers of the Journal

might be interested in securing the complete bound copies.

**Indiana Welfare Organizations**—Late in December, 1931, the Indiana Bulletin of Charities and Correction was published by the Board of State Charities, John A. Brown, editor. This Bulletin is a manual of information concerning all State Departments and Agencies, Child Welfare Clinics, the Juvenile Court, State Laws and a directory of Juvenile Court Judges, Boards, and State Institutions. Copies may be obtained from the State Board, Room 416, State House, Indianapolis.

**Prison Labor Committee**—The President of the National Committee on Prisons and Prison Labor, George Gordon Battle, has announced the appointment of a Committee on Institutional Industries to assist prison authorities in the reorganization and development of prison industries.

The members of the committee are: George Gordon Battle, chairman—president, National Committee on Prisons and Prison Labor and chairman, New York State Advisory Committee on Prison Industries; Hugh Frayne, American Federation of Labor, vice-president, National Committee on Prisons and Prison Labor; E. J. Volz, president, International Photo-Engravers' Union of North America; Noel Sargent, manager, industrial relations department, National Association of Manufacturers; Leroy Hodges, secretary, National Association of State Chambers of Commerce; A. F. Allison, secretary, International Association of Garment Manufacturers—chairman, National Standards



Council, Inc.; G. A. Renard, secretary-treasurer, National Association of Purchasing Agents; Julia K. Jaffray, chairman, division of correction, General Federation of Women's Clubs and chairman, committee on penology, National Council of Women; E. Stagg Whitin, president Association for Government Service, Inc.; Mark A. Daly, secretary, Associated Industries of New York State, Inc.; John Sullivan, president, New York State Federation of Labor.

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**Probation Notes**—Mrs. Marjorie Bell, Field Secretary of the National Probation Association, gave a special course of lectures covering a two weeks' period on probation, juvenile court work and the treatment of delinquency at the Atlanta School of Social Work, the only special school for training colored social workers in the country.—Charles A. Gates, Assistant Secretary of the National Probation Association, has spent nearly six weeks in Kentucky assisting the Kentucky Committee for the Extension of Probation of which P. L. Atherton of Louisville is Chairman of the executive group, in its campaign for adult probation legislation.—Mr. Morris Marcus has been appointed Chief Probation Officer of the New York Children's Court. This is one of the largest offices in the country, covering all five boroughs of New York City.—Hon. James Austin, Judge of the Court of Domestic Relations at Toledo, Ohio, has invited the National Probation Association to make a survey covering the treatment of delinquent and dependent children of that city.—The Michigan Crime Commission is drafting a plan for unifying Michigan's probation system.—Mr. Marion R. Baker of

Northwestern University is engaged in a study of the Chicago Probation System.—The Probation Department of the Quarter Sessions Courts of Philadelphia County, Pennsylvania, has issued a Report in which is contained the "Proceedings before the Grand Inquest into the Situation Existing in the Probation Department" and the Final Presentation of the June, 1931, Grand Jury to the Board of Judges. It was found that the Department was undermanned and poorly paid, but although operating under handicaps, it has been rendering a valuable service to the public.

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**Psychiatric Clinics**—The Psychiatric Clinic of the Court of General Sessions, New York, was formally opened December 23, 1931, by Mayor James J. Walker. Dr. J. G. William Greef, Commissioner of Hospitals, presided at the ceremonies. Dr. Menas S. Gregory, under whose direction the clinic will function, in cooperation with the probation department of the court, outlined the purposes of the clinic and the scope of its activities. The establishment of the psychiatric clinic was sponsored by the Probation Department of the Court of General Sessions to further its study of offenders and to develop scientific investigations into crime causation. This centralized clinic will report in a more specialized manner the clinical diagnoses heretofore made at various hospitals. The establishment of the clinic was recommended to the judges by the State Crime Commission. Its work will be in line with the recommendation made by the Committee on Psychiatric Jurisprudence of the American Bar Association that there be available to every criminal and juvenile court a

psychiatric service to assist the court in disposition, and that no criminal be sentenced for a felony in any case in which the judge has discretion as to the sentence to be imposed, until there be filed as a part of the record, a psychiatric report. It is anticipated that 3,000 offenders will pass through this clinic yearly, and that each offender will be examined and the clinical findings will be furnished to the Probation Department to be included in their reports to the court.

A new classification clinic, the third of its kind in New York State, was inaugurated at the Elmira Reformatory on January 1, according to an announcement by the superintendent, Dr. Frank L. Christian. The other two are at Sing Sing and Attica prisons, all three following a plan formulated by Commissioner of Correction Walter N. Thayer, and Deputy Commissioner V. C. Branham as a result of a recent study of 8,500 male inmates of New York State prisons. This survey showed that 2,000 prisoners were suitable for placement in some type of open prison construction, and 4,000 belong in the "medium security" group, while only 1,900 need to be housed in "maximum security" prisons. To the Elmira Clinic, which is under the immediate direction of Dr. James L. McCartney, will be brought all first offenders, except those charged with major crimes, between the ages of 16 and 25.

Dr. Winfred Overholser is the author of the leading article in the January, 1932, issue of "Probation." His subject was "Providing the Court with a Psychiatric Clinic." He concludes, "Psychiatry, then, although no panacea, can supply to criminal courts a valuable aid, and with the facilities already existing

and those being developed, it stands ready to offer this aid to any court, large or small, which desires it."

**Conference on Uniform Offense Classification**—Upon the invitation of the Bureau of the Census and the Bureau of Investigation, the following persons met to consider the problem of securing a uniform offense classification: Mr. Leonard V. Harrison, Bureau of Social Hygiene; Dr. Thorsten Sellin, Bureau of Social Hygiene; Mr. Bennet Mead, Bureau of Prisons; Mr. William P. Rutledge, International Assn. of Chiefs of Police; Mr. Lawrence B. Dunham, Bureau of Social Hygiene; Mr. W. C. Jamison, The Ohio Institute; Miss Harriet Cheney, Bureau of the Census; Mr. A. H. McCormick, Bureau of Prisons; Professor E. H. Sutherland, University of Chicago; Mr. Bruce Smith, National Institute of Public Administration; Professor Charles E. Gehlke, Western Reserve University; Mr. Vincent W. Hughes, Bureau of Investigation; Mr. J. J. Waters, Bureau of Investigation; and Mr. L. C. Marshall, The Institute of Law, The Johns Hopkins University.

The meeting was held on December 28, 1931, in the office of the Bureau of Investigation, Washington, D. C. Although no formal expression of opinion was definitely voted by the group the following expresses the sentiment of the group:

1. It is desirable to have a uniform offense classification (or at least a comparable offense classification) which may be utilized in police statistics, judicial statistics, and penal statistics.

2. It appears feasible to develop this comparable classification, al-

though it is clearly not a task to be entered upon lightly.

3. It should be possible to develop this comparable offense classification within a period of months rather than a period of years.

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#### Virginia Appropriations Cut —

At a meeting of the Virginia Advisory Budget Commission it was decided that certain state institutions will not receive the appropriations made for building purposes. The reason given for this action was that it was necessary due to steadily mounting criminal costs, especially with reference to prohibition cases. A Report prepared by the Director of the Virginia Bureau of Research, Robert C. Smith, shows that the increase in criminal cost in that state is normal. He declares:

"There are two obvious reasons for an increase in the State's criminal bill. First, multiplying the number of statutory offenses naturally increases criminal costs. It is only necessary to cite the recently adopted traffic code to indicate the significance of the old adage that more laws mean more violations. The other reason is that a normal increase in the operating expenses of the government may be expected.

"Prohibition enforcement is not the largest or even the most expensive of the criminal expenditures. As a matter of fact, prohibition enforcement costs represented, in 1925, 30 per cent of the total criminal expenses; in 1926, 33 per cent; in 1927, 31 per cent; in 1929, 27 per cent; in 1930, 27 per cent, and in 1931 only 26 per cent. Actually, there has been a decrease in the proportionate cost of enforcing prohibition, as is the case with the

prosecution of misdemeanor and felony cases."

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**Maximum Prison Terms**—Of the 555 convicts released from Sing Sing prison in 1931, eight had served their maximum terms, according to statistics made public by authorities at the prison. Of the rest, 480, including 78 who had been returned previously for violation of parole, were paroled; 10 were pardoned by the Governor, 9 won reversals of their conviction, certificates of reasonable doubt were granted to 2 and 14 were released for resentencing. Thirty-two died. The total number discharged, 1,593, of whom 1,038 were transferred by Warden Lewis E. Lawes to up-State prisons, was 456 more than in 1930, a gain of 40 per cent. But the prison remained crowded, since the admissions totaled 1,740, 40 per cent of whom were not transferred. The present population consists of more than 2,400 men and one woman. (New York Times.)

The January, 1932, prison population figures of the Washington State Penitentiary, Walla Walla, were as follows: Male Prisoners, 1236; Female Prisoners, 35; Total Population, 1271; Total Inmates on Parole, 1161; Life Prisoners, 113; Prisoners Received, 45; Paroled—Automatic, 48; Paroled—Executive, 22; Final Discharge From Parole, 183; Deported, 1; Executed, 1; *Discharged—Expiration of Maximum Sentence*, 1.

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**Prison Education**—The Lewisohn Commission on Prison Administration and Construction presented a Report to the New York legislature in January, 1932, which stressed the need for an organized educational

program for prisoners both vocational and cultural. The plan calls for the aid of faculties of nearby universities and the use of talking pictures, supervised by a director of education who would serve under the Deputy Commissioner of Correction. The Report makes specific recommendations for each of the State penal institutions. The members of the Commission are as follows: Sam A. Lewisohn, Chairman; Julia K. Jaffray, Secretary; Thomas C. Brown; E. R. Cass; Milan E. Goodrich; Hastings H. Hart; James R. Robinson; Fred J. Slater; Walter N. Thayer, Jr.; and George R. Fearon, John J. Dunningan, Russell F. Dunmore, and Irwin Steingut, *Ex officio*.

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**Prison Lectures**—The official publication of the New York State Department of Correction has announced the plans of Commissioner Richard C. Patterson, Jr. to secure well-known lecturers to speak to the inmates of the institutions of the Department of Correction of the City of New York. Mr. Patterson believes that one of the great defects of our prison system is the almost total lack of outside mental stimulus for the inmates. "We do not want the inmates preached to or preached at. What we do want is to have them told about some interesting or unusual phase of life or living." Professor John Erskine, Roy Chapman Andrews, Dr. Raymond L. Ditmars and Count von Luckner have been secured for the lectures which will continue through the Spring of 1932.

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**Lynchings in 1931**—The Tuskegee Institute has reported that there were 13 persons lynched in 1931.

This is 8 less than the number 21 for 1930, 3 more than the number 10 for 1929, 2 more than the number 11 for 1928, and 3 less than the number 16 for 1927. 10 of the persons lynched were in the hands of the law. 7 were taken from jails, 1 from a hospital and 2 had been released on bail. 1 of the victims was hanged and his body burned. There were 57 instances in which officers of the law prevented lynchings. 7 of these were in Northern and Western States and 50 in Southern States. In 45 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 12 other instances, armed force was used to repel the would-be lynchers. A total of 88 persons: 18 whites, 16 men and 2 women, and 70 Negro men were thus saved from death at the hands of mobs. Of the 13 persons lynched, 1 was white and 12 were Negroes. The offenses charged were: murder, 5; attempted rape, 5; wounding man, 3. The states in which lynchings occurred and the number in each state are as follows: Alabama, 1; Florida, 2; Louisiana, 1; Maryland, 1; Mississippi, 3; Missouri, 1; North Dakota, 1; Tennessee, 1; West Virginia, 2.

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**Murder Records**—Every day last year 33 murders occurred throughout the United States, according to compilations of Professor Kenneth E. Barnhard of Birmingham-Southern College. His own city, Birmingham, is fourth most murderous city. Thirty cities ranking in this respect, together with the numbers of murders they have for each 100,000 of the population, are:

Memphis .....	58.8
Atlanta .....	52.6
Lexington, Ky. ....	52.4

Birmingham .....	49.0
Shreveport, La. ....	41.4
Augusta, Ga. ....	41.4
Nashville .....	37.6
Miami .....	36.8
Savannah .....	36.4
Jacksonville .....	34.5
Macon .....	31.6
Mobile .....	30.7
Gary, Ind. ....	30.6
Hamtramck, Mich. ...	30.1
Tampa .....	28.4
Springfield, Ill. ....	27.7
El Paso .....	27.2
Charleston, S. C. ....	25.9
Houston .....	25.2
Roanoke, Va. ....	24.4
Norfolk .....	23.8
Winston-Salem .....	23.7
Dallas .....	23.6
Little Rock .....	23.2
New Orleans .....	23.0
Kansas City .....	22.7
Pueblo .....	21.9
Knoxville .....	21.6
Petersburg, Va. ....	21.2
E. St. Louis, Ill. ....	20.1

New York City's rate was 7.1; Chicago's 14.4. Rates for other large cities: Philadelphia 7.7; Detroit 13.3; Los Angeles 6.6; Cleveland 17.0; St. Louis 16.8; Baltimore 14.3; Pittsburgh 10.0; Boston 1.9. Boston's good record, Professor Barnhart believes, is due to Massachusetts' strict laws against carrying weapons.

**Motives for Murder**—Dr. Giovanni Giardini, lecturer at the University of Pittsburgh, recently completed a psychological study of inmates of the Western Pennsylvania Penitentiary who have been convicted of murder. He is impressed by the trivial motives for many murders. He declares that mental states, superinduced by diseases, especially by epilepsy, frequently can

be blamed for murders where the apparent motive is surprisingly petty. "Native-born whites murder for money; negroes for jealousy; and Latin country immigrants for revenge or because of alcoholism."

**New York "Public Enemy" Law**—In the autumn of 1931 the New York Legislature passed an amendment to the penal law relating to disorderly conduct suggested by President McKee of the New York Board of Aldermen and Police Commissioner Mulrooney. The law is as follows: "A person, who, with intent to breach the peace, or whereby a breach of the peace may be occasioned, is engaged in some illegal occupation, or who bears an evil reputation and with an unlawful purpose consorts with thieves and criminals or frequents unlawful resorts, is guilty of disorderly conduct." There follows a provision that the law shall remain in force only a few months showing it to be an experiment. This law is a formidable weapon in the hands of the police and enables them to arrest persons who have not committed "a wrong in the overt." The interpretation of the term "evil reputation" along with "unlawful purpose" makes it possible to enforce the provision extensively but certainly makes it possible to do considerable injustice. For instance, two men recently were convicted under this law who were asleep in their room when the police broke in and arrested them at five o'clock in the morning. The result of this experiment in legislation will attract wide attention for, if it is successfully administered in New York, other states, notably Illinois, may be expected to attempt similar legislation.

Mr. Robert Daru, Assistant District Attorney, who recently resigned, has been in charge of the enforcement of this law. He defends the law and declares that the fact that criminals are afraid of the law shows why it should be continued. He does recommend, however, that the defendant should have a summary right of review *de novo* in the Supreme Court on a writ of habeas corpus. Mr. Daru received wide publicity last December due to an address made to the Government Club of New York City. He there declared that the present perjury laws were so impotent that conditions might be improved if they were "written off the books."

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**Mercenary Crime Meeting**—The first annual meeting of the National Institute on Mercenary Crime was held in Chicago early in December, 1931. Among the speakers at the two-day session were Dr. Clifford Shaw, Director, Institute for Juvenile Research; Hon. Frank J. Loesch, President of the Chicago Crime Commission; and Judge Andrew A. Bruce, President of the American Institute of Criminal Law and Criminology. The President of the Institute is Ernest D. MacDougall, Esq., of Chicago.

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**Law School Association Report**—The Committee on Survey of Crime, Criminal Law and Criminal Procedure of the Association of American Law Schools made its report to the Association at the Chicago meeting on December 30, 1931. The members of the Committee are Professors A. J. Harno, E. R. Keedy, R. M. Perkins, J. J. Robinson, J. B. Waite, J. H. Wigmore,

and Justin Miller, Chairman. The Report in part is as follows:

"We believe that the law schools should undertake the teaching of criminal law and procedure. In view of the unsatisfactory conditions of criminal justice in this country and the responsibility of lawyers for improvement we believe it important that the schools inform their students as to the factors which contribute to present conditions as well as the lines along which there may be improvement. How this should be accomplished, as by giving in one course a picture of modern conditions and ideas, or by special instructions along several distinct lines, or in other ways, is, of course, for the schools to determine. But we here desire to express our belief that law schools should place greater emphasis on the objects and functions of the criminal law; a true conception by the lawyer of his duties to society in the administration of criminal justice; proper standards and methods of criminal practice as contrasted with existing practices calculated to produce miscarriage of justice. A law school which seeks merely to give a knowledge of law as it is fails to perform an important function. In teaching criminal law and procedure the object should be, not only to familiarize the student with the existing law and practice, but also to arouse his interest in remolding the law to meet modern conditions and in improving methods of practice.

An opportunity exists for the law school which is adequately staffed and financed to provide additional advanced instruction within the following range of subjects:

(1) Social, industrial and other conditions causing crime; and legislative and other methods of de-

fining and controlling crime.

(2) Comparative criminal law and procedure.

(3) Organization and administration of courts, penal institutions, departments of prosecution and police and administration of probation, parole and pardon.

(4) Duties of judges, prosecuting attorneys, police, probation and other administrative officers.

(5) Methods of research in relation to the administration of criminal justice.

(6) Interrelated problems of law, medicine, psychiatry, sociology, psychology and other sciences concerned in the administration of criminal justice."

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**Association of American Law Schools Committee**—The Committee appointed to prepare the program for the session on "Wrongs" for the 1932 meeting of the Association of American Law Schools consists of the following teachers of criminal law: Dean Justin Miller, *Chairman*, Duke University, Durham, North Carolina; Professor Newman F. Baker, Northwestern University, Chicago, Illinois; Professor Ralph Fuchs, Washington University, St. Louis, Missouri; Professor Lester B. Orfield, University of Nebraska, Lincoln, Nebraska; Professor Wayne L. Morse, University of Oregon, Eugene, Oregon. This group will select the topics for discussion which will be devoted to some phases of criminal law administration.

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**Teachers of Criminal Law** — Edwin R. Keedy of the University of Pennsylvania is in France on leave of absence for a year to study French criminal procedure. His

regular course in Criminal Procedure has been taken over by William E. Mikell, Professor of Criminal Law.—Dean Goodrich announces the appointment of Marion S. Kirk, A. B. (Bryn Mawr), LL.B. (Pennsylvania), to a Gowen Fellowship for the year 1931-1932. Since graduation in 1926 Miss Kirk has been Legal Assistant to Professor Edwin R. Keedy, co-draftsman with Professor William E. Mikell of the model Code of Criminal Procedure, adopted by the American Law Institute in 1930. During the Fellowship Miss Kirk's research will be in the subject of Double Jeopardy.—A new course entitled "Problems in Criminal Law and Criminal Procedure" has been offered at the University of Illinois. Dean A. J. Harno, who teaches Criminal Law at Illinois, was elected to the Presidency of the Association of American Law Schools for 1932.—Under the direction of Rollin M. Perkins of the University of Iowa, assisted by a research graduate assistant, a survey of the progress of the administration of criminal justice in the principal counties of Iowa is being carried on. The Iowa Law Review in each issue gives a statistical report on the progress of litigation through the Supreme Court of the State.—John S. Strahorn, formerly Associate Professor of Law at the University of Arkansas, and last year on leave of absence as a Sterling Research Fellow at Yale University, has been added to the full-time faculty of the University of Maryland with the rank of Associate Professor of Law.—John B. Stetson University offers a new course in Medical Jurisprudence conducted by Dr. J. J. Kindred of New York.—James H. Chadbourn has been added to the faculty of the University of North Carolina

Law School. Since January, 1931, he has been engaged on a study of the Legal Problems in Lynching under the auspices of the Commission on Lynching and a committee of southern law-school deans.—During the spring months of 1931 Dean C. S. Potts of Southern Methodist University had charge of the studies on The Cost of the Administration of the Criminal Law in cities of 25,000 and more in Texas, for the National Commission on Law Observance and Enforcement. The work in the field was done by two recent graduates of the Law School, Mr. Ned Gregg Wallace and Mr. Samuel A. McCarthy, both practicing attorneys of Dallas. Grateful acknowledgment of the work of these gentlemen was made in the Commission's Report on the Cost of Crime.—On September 16, 1931, Station WGN with the cooperation of the Chicago-Kent College of Law inaugurated a program of legal information for the layman consisting of a series of ten minute lectures to be presented each week. Speakers were chosen from prominent Alumni and members of the faculty of the Chicago-Kent College of Law. The first speaker was Benjamin Bachrach, Public Defender of Cook County, who spoke on the functions of his office. The following week State's Attorney John A. Swanson described the duties of the State's Attorney and his relation to the citizen. On September 30, Professor William M. James spoke on Criminal Law.

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**Crimes Known to the Police—**Professor Sam Bass Warner of Harvard Law School has published an interesting article in the December, 1931, issue of the Harvard Law Review. The title is "Crimes

Known to the Police—An Index of Crime?" He discusses the published statistics of the United States Department of Justice under the title *Uniform Crime Reports*. He says, "The publication of false and misleading criminal statistics is not merely a waste of government funds, but a perversion of the public consciousness regarding one of the most important functions of our government. The public has a right to expect and to demand that official United States Government statistics be in all respects worthy of credence." Professor Warner is the author of the "Survey of Criminal Statistics in the United States" which was prepared for the National Commission on Law Observance and Enforcement.

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**Articles—**Dr. Edward H. Ochser, a prominent Chicago physician and surgeon and a vigorous advocate of the erection in Illinois of a separate state institution for the care of mental defectives who are not necessarily criminals but whose defects may lead to criminality, has begun the publication co-temporaneously in a number of state medical journals and in the Journal of the American Dental Association of a series of articles dealing with the subject of Social Insurance. These articles will consider the problem from the standpoint of the political and economic effects upon society. The importance of these articles is evidenced by the fact that a large number of medical journals which usually insist on exclusive rights are willing to engage in a joint publication. Their interest to the criminologist lies in the fact that poverty, sickness and unemployment have a necessary relation to criminality.—A. A. B.



W. A. Dyche of Northwestern University has an article describing the Scientific Crime Detection Laboratory and other related activities of the University in the January, 1932, Review of Reviews. The work of Colonel Goddard is treated in detail by Edwin W. Teale in the February, 1932, issue of Popular Science.

The November, 1931, issue of the Michigan Law Review is devoted to a consideration of the work of the National Commission on Law Observance and Enforcement. Among the writers are Albert E. Sawyer, Rollin M. Perkins, Edson R. Sunderland, John Barker Waite, Lent D. Upson, Herbert F. Taggart, Arthur Evans Wood, Kenneth Sears, Joseph Cohen, E. Blythe Stason, Fred R. Johnson, and Howard E. Wahrenbrock.

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**Miscellaneous**—The Human Betterment Foundation of Pasadena, California, E. S. Gosney, President, has published a pamphlet on "Human Sterilization," which classifies and analyzes the results in more than 6,000 sterilizations. The President of the organization reports that 27 states now have laws providing for sterilization of the hereditary unfit although many of these laws need amendment.

Illiteracy in Georgia was reduced from 15.3 per cent in 1920 to 9.4 per cent in 1930. These figures are for the total population ten years old and over. The survey was made late in 1931 by the State Department of Public Welfare.

Mr. Roger M. Baldwin, one of the directors of the American Civil Liberties Union, has sent to the Editors of the JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY the brief filed by the Union's attorney,

Morris L. Ernst, Esq., in the case of *State v. Levine* recently decided by the Supreme Court of New Jersey. The case involved the question of admission of testimony by atheists and has aroused wide interest. The offices of the American Civil Liberties Union are at 100 Fifth Avenue, New York City.

The International Medico-Legal Association has issued a Bulletin discussing "The Hypothetical Question" giving citations to court decisions from practically all of the American states.

Commissioners John S. Kennedy and Walter W. Nicholson and Chief Inspector Clifford M. Young have recommended that those in charge of the Elmira Reformatory return to the courts feeble-minded young men who cannot be properly cared for at that institution.

The Illinois State's Attorneys' Association convened in Chicago late in December, 1931. Among the speakers were Senator James Hamilton Lewis, State's Attorney John A. Swanson of Cook County, and Rodney H. Brandon, Director of the Illinois Department of Public Welfare.

Early in December Attorney General Mitchell recommended to Congress that it take action to eliminate the long delays between the conviction of a criminal and the decision of the case by Circuit Court of Appeals. He urged this step as a means of curbing crime, declaring that convictions lose their effect as a crime deterrent if months or even years elapse after the verdict of guilty during which the convicts remain at large pending appeal.

In the annual report of Harry E. Hall, Commissioner of Immigration, there was advocated a broadening of the grounds for deportation to provide for removal of aliens re-

peatedly convicted of crime or showing an interest in overthrowing government.

The Howard League for Penal Reform, Parliament Mansions, Victoria Street, London, S. W. 1, has submitted a memorandum and a supplement concerning the proposed Commission of the League of Nations to participate in the work of Penal Reform.

The Virginia State Department of Public Welfare has published figures which show that Virginia spends only \$12,500 per year on mental hygiene and \$1,289,000 for hospitals for the insane and epileptics.

The International Congress of Comparative Law which meets in the Summer of 1932 will discuss Extradition and Extra-Territorial Crimes (Punishment of Offenses Committed by Foreigners Outside the Jurisdiction).

The City Club of New York City, in a communication forwarded early in January, 1932, to the legislative committee investigating the administration of justice in New York State suggested that nomination of judges be by the Governor, with the right reserved to the people to make additional nominations by petition, all on a non-partisan ballot.

The Merchants Association of New York City has suggested the creation of a permanent Judicial Council for the State and the restoration to the courts of the power, now vested in the legislature, of making rules for court procedure. It is thought that these two changes would do much to simplify procedure in the New York courts.

Police Commissioner James Allman of Chicago reports that 70 bandits were killed in the city in 1931. Of this number 5 were killed by private watchmen, 26 by citizens, and 29 by the police.

The Italian Government has opened a "Museum of Crime" for students and research workers. The institution is located in the Carceri Nuovo, a prison built by Pope Innocent X in the Via Giulia. Wax figures are used extensively to illustrate ancient methods of torture and execution.

The increase in the number of certain crimes such as hold-ups and motor banditry in England has caused increasing alarm. It is feared that the conditions will become "similar to those in the United States." Gangster films imported from the United States received part of the blame for the increase of this type of crime.